

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SHAMECA CAWANIA RODGERS,

Plaintiff,

v.

Case No. 19-CV-1532

**WISCONSIN DEPARTMENT OF HEALTH
SERVICES,**

Defendant.

**ORDER ON MOTION TO PROCEED
WITHOUT PREPAYMENT OF THE FILING FEE**

On October 18, 2019, Shameca Cawania Rodgers filed a complaint against the Wisconsin Department of Health Services (“DHS”). (Docket # 1.) Rodgers also filed a motion for leave to proceed without prepayment of the filing fee (*in forma pauperis*). (Docket # 2.) On November 1, 2019, I ordered Rodgers to provide additional information in an amended motion, which she filed on November 15, 2019. (Docket # 4, Docket # 5.)

The federal *in forma pauperis* statute, 28 U.S.C. § 1915, is designed to ensure indigent litigants meaningful access to the federal courts while at the same time prevent indigent litigants from filing frivolous, malicious, or repetitive lawsuits. *Nietzke v. Williams*, 490 U.S. 319, 324 (1989). To authorize a litigant to proceed *in forma pauperis*, the court must first determine whether the litigant is able to pay the costs of commencing the action. 28 U.S.C. § 1915(a). Second, the court must determine whether the action is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B)(i)–(iii).

Rodgers states that she is employed by the Wisconsin Department of Health Services and earns \$3,412.80 per month. (Docket # 5 at 1–2.) She states that she has two dependent children and her total monthly expenses, including rent, car payments, household expenses, and bankruptcy payments, are \$2,335. (*Id.* at 2–3.) This indicates a surplus of over \$1,000 per month, which is more than sufficient to pay the one-time \$400 filing fee. While I appreciate that Rodgers has experienced recent financial difficulties, including temporary unemployment in 2018, bankruptcy, and falling behind on rent (*id.* at 4), Rodgers has greater resources than many *pro se* litigants moving for *in forma pauperis* status. Thus, I will deny her motion for leave to proceed *in forma pauperis* and require that she pay the filing fee of \$400 by December 19, 2019.

ORDER

NOW, THEREFORE, IT IS ORDERED that plaintiff's amended motion for leave to proceed without prepayment of the filing fee (Docket # 5) is hereby **DENIED**. Plaintiff shall pay the filing fee by **December 19, 2019**. **Failure to pay the filing fee by December 19, 2019 will result in this action being dismissed.**

Dated at Milwaukee, Wisconsin this 19th day of November, 2019.

BY THE COURT:

s/Nancy Joseph
NANCY JOSEPH
United States Magistrate Judge